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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 March 1998]

GE.98-11064 (E)

1. Human Rights Watch wishes to call the attention of the United Nations Commission on Human Rights to the grave human rights situation in the following countries.

Algeria

2. Both the Government of Algeria and armed groups operating in the country are responsible for gross and systematic violations of human rights. Since 1996, the most salient abuses have been the massacres of hundreds of men, women and children living in rural and semi-rural areas. The assailants have used barbaric methods to kill their victims and are reported to have abducted and raped hundreds of women, many of whom remain unaccounted for up to this day.

3. These massacres, most or all of which appear to have been carried out by armed groups, are only one part of a grim human rights picture. The Algerian security forces are responsible for the practice of torture in interrogation centres, for carrying out summary executions, and for "disappearing" hundreds, if not thousands of individuals. Security forces practise abuses in a climate of impunity: the Algerian authorities have produced no detailed evidence to show that any security force member has faced punishment for abusive behaviour.

4. In the face of the ongoing abuses and the restrictions on access to information, Human Rights Watch, together with Amnesty International, the International Human Rights Federation and Reporters without Borders, called on 15 October for a special session of the Commission on Human Rights, and for an international investigation to ascertain the facts, examine allegations of responsibility and make recommendations in respect of the massacres and other abuses by all sides. Algerian authorities denounced this call and rejected calls for an international investigation into human rights abuses. Human Rights Watch also supported the immediate dispatch to Algeria of the United Nations Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions. But while accepting their visit in principle, Algerian authorities have yet to provide a date for their visit.

5. In light of the gravity of the human rights situation in Algeria and the continuing refusal of the Algerian Government to allow unfettered access for human rights investigators, Human Rights Watch calls on the Commission on Human Rights to appoint a Special Rapporteur on the human rights situation in Algeria. The Special Rapporteur should be provided with sufficient resources to investigate, in consultation with the special mechanisms of the Commission, the gross and systematic violations of human rights committed by the Government of Algeria and by armed opposition groups and - because of the urgency of the situation - to submit an interim report with his or her findings and recommendations to the General Assembly no later than 30 June 1998, as well as a final report to the fifty-fifth session of the Commission.

Myanmar

6. Human Rights Watch is concerned about the deteriorating respect for human rights in Myanmar which has not abated since the formation in November 1997 of the new military ruling body, the State Peace and Development Council (SPDC).

7. Political parties are subject to close scrutiny and the National League for Democracy is a particular target of repression. Their officials are unable to make any public speeches and their freedom of expression, association and movement is severely restricted. There are at least 1,200 persons imprisoned for peaceful political activities, incarcerated in appalling prison conditions and labour camps. Many prominent political prisoners have been transferred to jails far from their families, making visits very difficult. Military offensives by the army in Karen State, Tenasserim Division and Shan State, and human rights abuses committed during such offensives, have caused substantial refugee outflows into neighbouring countries, in particular Thailand.

8. We call on the Commission to express its deep concern at the deterioration of respect for human rights in Myanmar and request the SPDC urgently to agree to a visit by the Special Rapporteur on Myanmar, who has been denied access to the country since his appointment in 1996. The Commission should also call on the SPDC to cooperate with the International Labour Organization, whose commissioners of inquiry on forced labour in Myanmar have been denied access to the country. Human Rights Watch has gathered testimonies which demonstrate the continued widespread incidence of forced labour, directly contradicting SPDC claims that the practice was discontinued three years ago.

China

9. Human rights in China continue to be violated on a large scale, with few safeguards against arbitrary detention, severe restrictions on freedom of expression, especially as it relates to public criticism of the political system or the role of the Party, and tight controls on freedom of association and religion. Contact with foreign news organizations is still enough to arouse the suspicions of the public security agencies. The prison system remains closed, and there are grave concerns about the well-being of prisoners, both common and political. Workers in State enterprises and joint ventures alike have no effective channels for raising grievances in a way that could provide some redress against arbitrary actions of managers or generally hazardous working conditions. China continues to detain the world's youngest political prisoner the eight-year-old Panchen Lama, among thousands of other political and religious prisoners. A resolution addressing China's human rights record would be important as an indication of the Commission's ability to address the human rights of all countries, no matter how large or economically and strategically important.

Democratic Republic of the Congo

10. After seven months of civil war, the Alliance of Democratic Forces for the Liberation of Congo (ADFL) ousted the corrupt and repressive regime of

President Mobutu in May 1997. However, the human rights situation in the Democratic Republic of the Congo is disappointingly familiar. The new Government immediately banned all political activities other than the ADFL's, cracked down on independent journalists and harassed members of the dynamic human rights community. In mid-January 1998, President Kabila's Government warned that the political ban will not be lifted before elections slated for April 1999, and that politicians who challenge the ban will be brought before a military court. Almost a year after the takeover, security forces continue to disperse peaceful political meetings and to raid and ransack newspaper premises. The Government has thus far limited participation in the constitutional drafting process to ADFL members, and its only effective initiative to engage the public in the process of transition was abruptly halted with the suspension of the National Reconstruction Conference.

11. As reports mounted during the war that rebel forces were massacring thousands of Rwandan refugees - reports since confirmed by Human Rights Watch - the Commission directed a joint investigative team, led by Special Rapporteur Roberto Garretón, to investigate the massacres and to report to the General Assembly and to the Commission. That mandate is still blocked as the ADFL has denied the joint team all access. Since August, the Government's intransigence has effectively prevented the alternative team formed by the United Nations Secretary-General from functioning. Human Rights Watch has obtained evidence that several witnesses have been detained after meeting with the team.

12. In light of the ongoing abuses and the Government's failure to cooperate with the United Nations investigative missions, Human Rights Watch urges the Commission to strongly condemn the ongoing human rights violations in the Democratic Republic of the Congo and to extend the mandate of the Special Rapporteur as well as that of the joint investigative team.

Sudan

13. Human rights in the Sudan deteriorated in 1997/98. The 15-year-old civil war continued, with the Islamist Government targeting the non-Muslim south as well as the mixed areas of the Nuba Mountains and the east, where Muslims rejected politicized Islam. Government forces (including ex-rebels) displaced civilians, looted crops and animals, burned villages and - with the exception of five rebels threatened with the punishment of amputation - took no prisoners. In a continued campaign to restrict United Nations relief access to areas affected by war, the Government in February 1998 banned relief aid for more than 100,000 southerners recently displaced by fighting in and near the town of Wau.

14. Civil and political rights in areas controlled by the Government have been severely violated. A third mass conspiracy trial in one year - for crimes punishable by death - is under way and defendants swore their statements had been elicited by torture. Security forces held and mistreated others, including defence attorneys, in prolonged arbitrary detention.

15. Women have been targeted for repression. At least two women prostitutes, tried for adultery, were sentenced to death. The Government used public order courts to impose a quick punishment of flogging on dissenters

before appeal could be heard. Authorities even pulled "improperly dressed" women university students from a bus and flogged them. Women protesting conscription were beaten by Sudan Security, then flogged.

16. the Government has been backing the Lord's Resistance Army (LRA), Ugandan rebels who kidnap and torture Ugandan children. Those not murdered are conscripted into the LRA and trained inside Sudan.

17. The rebel Sudan People's Liberation Army (SPLA) released 2,000 captured Government soldiers - after others died from lack of food and medical care. The SPLA commander in charge of troops who pillaged, raped and summarily executed civilians after the capture of the southern garrison town of Yei was removed but, except for a few examples, impunity reigned. The SPLA continued in some areas to forcibly conscript boys and steal civilians' food.

18. Human Rights Watch calls on the Commission to act urgently on its own 1997 resolution requiring immediate "priority to the placement of human rights field officers" in the area, to monitor both Government and rebel abuses.

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